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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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TECHNOLOGY CENTER 2600

Applicant: A.T. Hinds et al.
Examiner: Tia A. Carter
Serial No.: 09/378,648
Group Art Unit: 2622
Filed: August 20, 1999
Docket No.: BO999032
TITLE: METHOD, SYSTEM, AND PROGRAM FOR MANAGING CALIBRATION FILES IN A PRINTING SYSTEM

CERTIFICATE UNDER 37 CFR 1.8:
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 12, 2004.

David W. Victor

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants submit this petition to withdraw the holding of abandonment in the above case pursuant to 37 CFR 1.181(a) and the procedure set forth in the Manual of Patent Examination and Procedure (MPEP) at Section 711.03(c)(I)(B), pgs. 700-162 to 163.

A Notice of Abandonment was mailed on November 19, 2003. Applicants submit herewith in Exhibit A a copy of a timely response Applicants filed on August 19, 2003 in response to the first Office Action dated May 19, 2003. The attached Exhibit A includes a copy of the return postcard dated stamped by the Patent Office showing that the timely filed response was received in the Patent Office on August 25, 2003. According to the MPEP, the holding of abandonment should be withdrawn upon the applicant providing a date stamped postcard receipt showing that the amendment was timely filed with the Patent Office. (MPEP 711.03(c)(B), p. 700-163 (Rev. 2, May 2004). Thus, Applicants submit that according to this rule the abandonment must be withdrawn.

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Applicants also note that after the Examiner alerted them that a notice of abandonment would be mailed, notwithstanding that a timely response was filed, Applicants facsimile filed a resubmission of the response to the first Office Action with a three month extension of time on November 19, 2003, the date the Notice of Abandonment was mailed. (The Notice of Abandonment was not received in our office until November 21, 2003) Attached hereto as Exhibit B is a copy of the resubmission of the response including an auto reply fax receipt confirmation showing that this timely filed resubmission of the response and extension of time was received by the Patent Office. This resubmission of the response filed with a three month extension of time provides further grounds to withdraw the holding of abandonment as requested.

Applicants also note that in December of 2003, the attorney for Applicants had contacted the Patent Office and they indicated they would withdraw the notice of abandonment. No action has yet been taken by the Patent Office to withdraw the improper notice of abandonment, notwithstanding that Applicants submitted the response twice in a timely matter.

According to the MPEP, no fee is needed for a petition to withdraw abandonment. MPEP Sec. 711.03(c)(I), p. 700-162. Notwithstanding, if the Patent Office determines that a fee is needed, Applicants authorize the Patent Office to charge Deposit Account No. 50-0563 for any necessary fees.

The attorney of record invites the Patent Office to contact him at (310) 553-7977 if it is believed such contact would advance the prosecution of the case.

Dated: August 12, 2004

By:____________________
David W. Victor
Registration No. 39,867

Please direct all correspondences to:

David Victor
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315 South Beverly Drive, Ste. 210
Beverly Hills, CA 90212
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S.N. 09/378,648 Docket No. BO999032 Date Mailed 8/19/03 By: DWV/pm

Title: METHOD, SYSTEM, AND PROGRAM FOR MANAGING CALIBRATION FILES IN A PRINTING SYSTEM

Client: International Business Machines Corporation 0036.0047

Receipt is hereby acknowledged for the following received in the Patent & Trademark Office the date stamped hereon:

- ☒ Transmittal for Amendment
- ☒ Amendment pages 16
- ☒ Transmittal for Formal Drawings (PTO/SB/21)
- ☒ Formal Drawings 4 sheets
- ☒ Return Postcard

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AUG 19 2004
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PTO/SB/21
0036.0047

TRANSMITTAL FORM	Application Number	09/378,648
(To be used for all correspondence after initial filing)	Filing Date	August 20, 1999
	Inventor	A.T. Hinds et al.
	Group Art Unit	2622
	Examiner Name	Tia A. Carter
Total Number of Pages in this Submission:	Attorney Docket Number	BO999032

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ENCLOSURES *(check all that apply)*

☐ Fee Transmittal Form
  ☐ Fee Attached
☐ Amendment/Reply
  ☐ After Final
  ☐ Affidavits /Declarations
☐ Extension of Time Request
☐ Express Abandonment Request
☐ Information Disclosure Statement; ___ references
☐ Certified Copy of Priority Document(s)
☐ Response to Missing Parts/Incomplete Application
☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

☐ Assignment Papers (for an application)
☒ Formal Drawing(s); 4 sheets
☐ Licensing-related papers
☐ Petition: ____________
☐ Petition to Convert to a Provisional Application
☐ Power of Attorney, Revocation, and/or Change of Correspondence Address
☐ Terminal Disclaimer
☐ Request for Refund
☐ CD, Number of CD(s) __

☐ After Allowance Communication to Group
☐ Appeal Communication to Board of Appeals and Interferences
☐ Appeal Communication to Group *(Appeal Notice, Brief, Reply Brief)*
☐ Proprietary Information
☐ Status Letter
☐ Certificate of Correction
☐ Other Enclosure(s) *(please identify below)*

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name:	David W. Victor, Registration No. 39,867
Signature:	
Date:	August 19, 2003

KONRAD RAYNES VICTOR & MANN, LLP
315 South Beverly Drive, Suite 210
Beverly Hills, California 90212
(310) 556-7983

☒ The Commissioner is authorized to charge any deficiency of fees, or credit any overpayment, to Deposit Account No. 50-0563

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to Commissioner for Patents, Alexandria, VA 22313-1450, or being facsimile transmitted to the USPTO, on the date indicated below.

Typed or Printed name:	David W. Victor
Signature:	
Date:	August 19, 2003

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PATENT TRADEMARK OFFICE

FORM PTO-1083

PATENT
BO999032
0036.0047

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
A.T. Hinds et al.
Serial No.: 09/378,648
Filed: August 20, 1999
For: METHOD, SYSTEM, AND PROGRAM FOR MANAGING CALIBRATION FILES IN A PRINTING SYSTEM

Examiner: Tia A. Carter

Art Unit: 2622

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith in the above-identified application is an:
_X_ Amendment _19_ pages.
_X_ Transmittal of Formal Drawings and _4_ sheets of formal drawings.
_X_ Return Postcard.

The fee has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO PREVIOUSLY PAID FOR		PRESENT EXTRA	RATE	ADDIT. FEE	OR	RATE	ADDIT. FEE
TOTAL	40	MINUS	40	=	0	x	$0	OR	x 18	$
INDEP CLAIMS	5	MINUS	3	=	2	x	$0	OR	x 84	$168
____ FIRST PRESENTATION OF MULTIPLE DEP. CLAIM						+	$	OR	+ 280	$
					TOTAL		$0	OR	TOTAL	$ -0-

_X_ Please charge Deposit Account No. 50-0563 the amount of $168 to cover the claim fee. A duplicate copy of this sheet is enclosed.
___ A check in the amount of $ ___ to cover the extension fee is enclosed.
___ A check in the amount of $ ___ to cover the filing fee is enclosed.
___ A check in the amount of $ ___ to cover the petition fee is enclosed.
_X_ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No.50-0563. A duplicate of this sheet is enclosed.
  _X_ Any filing fees under 37 CFR 1.16 for the presentation of extra claims.
  _X_ Any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

David W. Victor
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Dated: August 19, 2003

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, P.O. Box 1450, VA 22313-1450 on August 19, 2003.

David W. Victor
8/19/03
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	A.T. Hinds et al.	Examiner:	Tia A. Carter
Serial No.:	09/378,648	Group Art Unit:	2622
Filed:	August 20, 1999	Docket No.:	BO999032
TITLE:	METHOD, SYSTEM, AND PROGRAM FOR MANAGING CALIBRATION FILES IN A PRINTING SYSTEM		

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David W. Victor

AMENDMENT

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Technology Center 2600

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Amendment is submitted in response to the non-final Office Action dated May 19, 2003 ("Office Action"), in which the Examiner found that claims 4, 5, 8-13, 18, 19, 22-27, 31, 32, and 35-40 would be allowed if rewritten in independent form and rejected claims 1-3, 6, 7, 14-17, 20, 21, and 28-30 as obvious (35 U.S.C. §103) in view of prior art. Applicants have rewritten certain of the allowable claims in independent form to place in condition for allowance and amended rejected independent claims 1, 14, and 28 to further distinguish over the cited art. Applicants submit that all pending claims 1-40 are patentable over the cited art and in condition for allowance for the reasons discussed below.

Amendments to the Claims are reflected in the listing of claims which begins on page 2.

Remarks/Arguments begin on page 14.

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims

1. (Currently Amended) A method for managing calibration files in a printing system, comprising:

printing patches using a screening algorithm and incorporating at least one output appearance factor;

generating a calibration file from measured color values of the printed patches mapping a color space for the printed patches to a color space of a printer used to print the patches; and

associating information with the calibration file indicating the printer and at least one output appearance attribute for use in selecting one calibration file to use when printing a print job, wherein the at least one output appearance attribute provides descriptive information on at least one output appearance factor incorporated when printing the patches.

2. The method of claim 1 wherein the associated printer information indicates the name of the screening algorithm used in generating the calibration file.

3. The method of claim 1, wherein the at least one output appearance factor is a member of a set of printing variables consisting of: toner, paper type, environmental factors, desired output, and target printer to emulate.

4. (Currently Amended) ~~The method of claim 1~~, A method for managing calibration files in a printing system, comprising:

~~wherein printing the patches comprises~~ selecting one printer, one screening algorithm for the selected printer, and at least one output appearance factor of the print job;

printing patches using the selected screening algorithm and incorporating the selected at least one output appearance factor;

generating a calibration file from measured color values of the printed patches mapping a color space for the printed patches to a color space of a printer used to print the patches; and

~~wherein~~ associating information with the calibration file ~~comprises~~ by associating: a printer name indicating the selected printer; a screening name indicating the selected screening algorithm; and an appearance tag indicating the selected at least one output appearance factor for use in selecting one calibration file to use when printing a print job.

5. (Original) The method of claim 4, wherein associating information with the calibration file comprises creating a file name for the calibration file including the printer name, the screening name, and the appearance tag.

6. (Original) The method of claim 1, further comprising:

generating the print job comprising a gray scale image; and

associating output appearance and printer attribute information with the print job for use in selecting one calibration file to use to calibrate the gray scale image when printing the print job.

7. (Original) The method of claim 6, wherein selecting one calibration file comprises selecting one calibration file having associated output appearance and printer information indicating compatibility with the printer and output appearance information associated with the print job.

8. (Original) The method of claim 7, wherein determining compatibility of a print job and calibration file comprises:

searching a directory of calibration files for calibration files having associated printer information matching the printer information associated with the print job, wherein matching printer information indicates that the printer selected to print the print job matches the printer used to print the patches considered when generating the calibration file; and

selecting from the calibration files generated with the printer associated with the print job one calibration file associated with at least one output appearance attribute that matches the at least one output appearance attribute associated with the print job, wherein the selected calibration file is used to print the print job.

9. (Original) The method of claim 8, wherein there are multiple directories including calibration files, wherein a first directory is searched for calibration files compatible with the print job and a second directory is searched next, wherein the first found compatible calibration file is used to calibrate the gray scale image.

10. (Original) The method of claim 6 , wherein associating output appearance and printer attribute information with the print job comprises:

determining printers available to print a print job and output appearances supported by the printer;

displaying the available printers and output appearances; and

receiving user input indicating one of the displayed printers and at least one of the displayed output appearances to associate with the print job.

11. (Original) The method of claim 1, wherein printing the patches comprises selecting: one printer having multiple printing engines, one screening algorithm for the selected printer, and at least one output appearance factor of the print job, and wherein associating information with the calibration file comprises associating: a printer name indicating the selected printer; a screening name indicating the selected screening algorithm; an appearance tag indicating the selected at least one output appearance factor; and an indication of the printer engine used to print the calibration file.

12. (Original) The method of claim 11, further comprising:

generating the print job comprising a gray scale image; and

associating output appearance and printer attribute information with the print job, and associating one of the printer engines with specific pages within the print job, such that one printer engine is selected for use with a first set of pages and another printer engine is selected for use with a second set of pages, wherein the information associated with the print job is used to select one printer engine specific calibration file to use to calibrate the pages of the gray scale image when printing the print job.

13. (Original) The method of claim 12, wherein selecting one calibration file to use to print the first and second sets of pages within the print job comprises selecting one calibration file having associated output appearance, printer, and printer engine information indicating compatibility with the printer, printer engine, output appearance information associated with the first and second sets of pages of the print job.

14. (Currently Amended) A system for managing calibration files in a printing system, comprising:

a computer system;

a printer in communication with the computer;

a storage device accessible to the computer system;

program logic implemented within the computer, comprising:

(i) means for printing patches using a screening algorithm and incorporating at least one output appearance factor;

(ii) means for generating a calibration file from measured color values of the printed patches mapping a color space for the printed patches to a color space of a printer used to print the patches;

(iii) means for associating information with the calibration file indicating the printer and at least one output appearance attribute for use in selecting one calibration file to use when printing a print job, wherein the at least one output appearance attribute provides descriptive information on at least one output appearance factor incorporated when printing the patches; and

(iv) means for storing the calibration file and associated information in the storage device.

15. (Original) The system of claim 14, wherein the computer system comprises a client computer and a server, wherein the client computer, server, and printer communicate using at least one network communication line, wherein the program logic is implemented in the client and server, wherein the client communicates commands to the server to cause the server to print patches on the printer, generate the calibration file, associate information with the calibration file, and store the calibration file and associated information in the storage device.

16. (Original) The system of claim 14, wherein the associated printer information indicates the name of the screening algorithm used in generating the calibration file.

17. (Original) The system of claim 14, wherein the at least one output appearance factor is a member of a set of printing variables consisting of: toner, paper type, environmental factors, desired output, and target printer to emulate.

18. (Currently Amended) ~~The system of claim 14,~~ A system for managing calibration files in a printing system, comprising:

a computer system;

a printer in communication with the computer;

a storage device accessible to the computer system;

program logic implemented within the computer, comprising:

(i) ~~wherein the program logic for printing the patches comprises~~ means for selecting one printer, one screening algorithm for the selected printer, and at least one output appearance factor of the print job~~;~~;

(ii) means for printing patches using the selected screening algorithm and incorporating the selected at least one output appearance factor;

(iii) means for generating a calibration file from measured color values of the printed patches mapping a color space for the printed patches to a color space of a printer used to print the patches;

(iv) ~~and wherein the program logic~~ means for associating information with the calibration file ~~comprises means for~~ by associating: a printer name indicating the selected printer; a screening name indicating the selected screening algorithm; and an appearance tag indicating the selected at least one output appearance factor for use in selecting one calibration file to use when printing a print job; and

(iv) means for storing the calibration file and associated information in the storage device.

19. (Original) The system of claim 18, wherein the program logic for associating information with the calibration file comprises means for creating a file name for the calibration file including the printer name, the screening name, and the appearance tag.

20. (Original) The system of claim 14, wherein the program logic further comprises:

means for generating the print job comprising a gray scale image; and

means for associating output appearance and printer attribute information with the print job for use in selecting one calibration file to use to calibrate the gray scale image when printing the print job.

21. (Original) The system of claim 20, wherein the program logic for selecting one calibration file comprises means for selecting one calibration file having associated output

appearance and printer information indicating compatibility with the printer and output appearance information associated with the print job.

22. (Original) The system of claim 21, wherein the program logic for determining compatibility of a print job and calibration file comprises:

means for searching a directory of calibration files in the storage device for calibration files having associated printer information matching the printer information associated with the print job, wherein matching printer information indicates that the printer selected to print the print job matches the printer used to print the patches considered when generating the calibration file; and

means for selecting from the calibration files generated with the printer associated with the print job one calibration file associated with at least one output appearance attribute that matches the at least one output appearance attribute associated with the print job, wherein the selected calibration file is used to print the print job.

23. (Original) The system of claim 22, wherein the storage device includes multiple directories including calibration files, wherein a first directory in the storage device is searched for calibration files compatible with the print job and a second directory in the storage device is searched next, wherein the first found compatible calibration file is used to calibrate the gray scale image.

24. (Original) The system of claim 20, wherein the program logic for associating output appearance and printer attribute information with the print job comprises:

means for determining printers available to print a print job and output appearances supported by the printer;

means for displaying the available printers and output appearances; and

means for receiving user input indicating one of the displayed printers and at least one of the displayed output appearances to associate with the print job.

25. (Original) The system of claim 14, wherein the program logic for printing the patches comprises means for selecting: one printer having multiple printing engines, one screening algorithm for the selected printer, and at least one output appearance factor of the print job, and wherein the program logic for associating information with the calibration file comprises means for associating: a printer name indicating the selected printer; a screening name indicating the selected screening algorithm; an appearance tag indicating the selected at least one output appearance factor; and an indication of the printer engine used to print the calibration file.

26. (Original) The system of claim 25, wherein the program logic further comprises:

means for generating the print job comprising a gray scale image; and

means for associating output appearance and printer attribute information with the print job, and means for associating one of the printer engines with specific pages within the print job, such that wherein one printer engine is selected for use with a first set of pages and another printer engine is selected for use with a second set of pages, wherein the information associated with the print job is used to select one printer engine specific calibration file to use to calibrate the pages of the gray scale image when printing the print job.

27. (Original) The system of claim 26, wherein the program logic for selecting one calibration file to use to print the first and second sets of pages within the print job comprises means for selecting one calibration file having associated output appearance, printer, and printer engine information indicating compatibility with the printer, printer engine, output appearance information associated with the first and second sets of pages of the print job.

28. (Currently Amended) An article of manufacture for use in managing calibration files in a printing system, the article of manufacture comprising computer usable media including at least one computer program embedded therein that causes the computer to perform:

printing patches using a screening algorithm and incorporating at least one output appearance factor;

generating a calibration file from measured color values of the printed patches mapping a color space for the printed patches to a color space of a printer used to print the patches; and

associating information with the calibration file indicating the printer and at least one output appearance attribute for use in selecting one calibration file to use when printing a print job, wherein the at least one output appearance attribute provides descriptive information on at least one output appearance factor incorporated when printing the patches.

29. (Original) The article of manufacture of claim 28, wherein the associated printer information indicates the name of the screening algorithm used in generating the calibration file.

30. (Original) The article of manufacture of claim 28, wherein the at least one output appearance factor is a member of a set of printing variables consisting of: toner, paper type, environmental factors, desired output, and target printer to emulate.

31. (Currently Amended) ~~The article of manufacture of claim 28,~~ An article of manufacture for use in managing calibration files in a printing system, the article of manufacture comprising computer usable media including at least one computer program embedded therein that causes the computer to perform:

~~wherein printing the patches comprises~~ selecting one printer, one screening algorithm for the selected printer, and at least one output appearance factor of the print job~~;~~;

printing patches using the selected screening algorithm and incorporating the selected at least one output appearance factor;

generating a calibration file from measured color values of the printed patches mapping a color space for the printed patches to a color space of a printer used to print the patches; and

~~wherein~~ associating information with the calibration file ~~comprises~~ by associating: a printer name indicating the selected printer; a screening name indicating the selected screening algorithm; and an appearance tag indicating the selected at least one output appearance factor for use in selecting one calibration file to use when printing a print job.

32. (Original) The article of manufacture of claim 31, wherein associating information with the calibration file comprises creating a file name for the calibration file including the printer name, the screening name, and the appearance tag.

33. (Original) The article of manufacture of claim 28, further comprising:

generating the print job comprising a gray scale image; and

associating output appearance and printer attribute information with the print job for use in selecting one calibration file to use to calibrate the gray scale image when printing the print job.

34. (Original) The article of manufacture of claim 33, wherein selecting one calibration file comprises selecting one calibration file having associated output appearance and printer information indicating compatibility with the printer and output appearance information associated with the print job.

35. (Original) The article of manufacture of claim 34, wherein determining compatibility of a print job and calibration file comprises:

searching a directory of calibration files for calibration files having associated printer information matching the printer information associated with the print job, wherein matching printer information indicates that the printer selected to print the print job matches the printer used to print the patches considered when generating the calibration file; and

selecting from the calibration files generated with the printer associated with the print job one calibration file associated with at least one output appearance attribute that matches the at least one output appearance attribute associated with the print job, wherein the selected calibration file is used to print the print job.

36. (Original) The article of manufacture of claim 35, wherein there are multiple directories including calibration files, wherein a first directory is searched for calibration files

compatible with the print job and a second directory is searched next, wherein the first found compatible calibration file is used to calibrate the gray scale image.

37. (Original) The article of manufacture of claim 33, wherein associating output appearance and printer attribute information with the print job comprises:

determining printers available to print a print job and output appearances supported by the printer;

displaying the available printers and output appearances; and

receiving user input indicating one of the displayed printers and at least one of the displayed output appearances to associate with the print job.

38. (Original) The article of manufacture of claim 28, wherein printing the patches comprises selecting one printer having multiple printing engines, one screening algorithm for the selected printer, and at least one output appearance factor of the print job, and wherein associating information with the calibration file comprises associating: a printer name indicating the selected printer; a screening name indicating the selected screening algorithm; an appearance tag indicating the selected at least one output appearance factor; and an indication of the printer engine used to print the calibration file.

39. (Original) The article of manufacture of claim 38, further comprising:

generating the print job comprising a gray scale image; and

associating output appearance and printer attribute information with the print job, and associating one of the printer engines with specific pages within the print job, such that one printer engine is selected for use with a first set of pages and another printer engine is selected for use with a second set of pages, wherein the information associated with the print job is used to select one printer engine specific calibration file to use to calibrate the pages of the gray scale image when printing the print job.

40. (Original) The article of manufacture of claim 39, wherein selecting one calibration file to use to print the first and second sets of pages within the print job comprises selecting one calibration file having associated output appearance, printer, and printer engine information indicating compatibility with the printer, printer engine, output appearance information associated with the first and second sets of pages of the print job.

REMARKS/ARGUMENTS

Applicants submit herewith formal drawings including corrections to matters of form requested in the Notice of Draftperson's Patent Drawing Review dated October 6, 1999.

The Examiner found that claims 4, 5, 8-13, 18, 19, 22-27, 31, 32, and 35-40 would be allowed if rewritten in independent form to include the requirements of the base and intervening claims. Applicants have amended allowable claims 4 and 31 to include the requirements of the base claims to place in condition for allowance. Claims 5, 8-10 and 32 are now in condition for allowance because they depend either directly or indirectly from one of amended claims 4 and 31. Applicants submit that claims 12, 13, 18, 19, 22-27, 31, and 35-40, which are not currently amended, are patentable over the cited art because they depend either directly or indirectly from independent claims 1, 14, and 28, which are patentable over the cited art for the reasons discussed below.

1. Claims 1, 3, 14, and 28 are Patentable Over the Cited Art

The Examiner rejected claims 1, 3, 14, and 28 as obvious (35 U.S.C. §103) over Falk (U.S. Patent No. 5,760,913) in view of Wang (U.S. Patent No. 5,854,882). Applicants traverse for the following reasons.

Amended independent claims 1, 14, and 28 concern managing calibration files in a printing system and require: printing patches using a screening algorithm and incorporating at least one output appearance factor; generating a calibration file from measured color values of the printed patches mapping a color space for the printed patches to a color space of a printer used to print the patches; and associating information with the calibration file indicating the printer and at least one output appearance attribute for use in selecting one calibration file to use when printing a print job, wherein the output appearance attribute provides descriptive information on at least one output appearance factor incorporated when printing the patches.

Applicants amended claims 1, 14, and 28 to require that the output appearance attribute provides descriptive information on at least one output appearance factor incorporated when printing the patches to further distinguish over the cited art.

The Examiner cited col. 3, lines 55-65 and col. 6, lines 5-65 of Falk as teaching the claim requirement of associating information with the calibration file indicating the printer and at least one output appearance attribute for use in selecting one calibration file to use when printing a print job. (Office Action, pgs. 3, 4, and 5-6) Applicants traverse.

The cited col. 3 of Falk discusses printer components. The cited col. 6 discusses calibration data 204 in a data file that when printed produces a calibration image, where the calibration image has color component color patches. The patches are printed as a calibration image. The cited col. 6 further mentions that the calibration system may have an invert option to print calibration patches in a mirror image.

Although the cited Falk discusses a calibration system and printing patches, nowhere does the cited Falk anywhere teach or disclose the claim requirement of associating information with the calibration file indicating the printer and at least one output appearance attribute for use in selecting one calibration file to use when printing a print job, where the output appearance attribute provides descriptive information on at least one output appearance factor incorporated when printing the patches. Instead, the cited Falk just discusses calibration operations, not associating the claimed specific printer and output appearance attribute information with the calibration file as claimed.

Accordingly, amended claims 1, 14, and 28 are patentable over the cited combination because the cited references, alone and in combination, do not teach or suggest all the claim requirements.

Claim 3 depends from claim 1 and further requires that at least one output appearance factor is a member of a set of printing variables consisting of: toner, paper type, environmental factors, desired output, and target printer to emulate. Claim 3 is patentable over the cited art because it depends from claim 1, which is patentable over the cited art for the reasons discussed above.

2. Claims 2, 6, 7, 16, 20, 21, 29, and 33 are Patentable Over the Cited Art

The Examiner rejected claims 2, 6, 7, 16, 20, 21, 29, 33, and 34 as obvious over Falk and Wang in view of Lee (U.S. Patent No. 6,266,155). Applicants traverse for the following reasons.

First off, claims 2, 6, 7, 16, 20, 21, 29, 33, and 34 are patentable over the cited art because they depend from one of claims 1, 4, and 28, which are patentable over the cited art for the reasons discussed above.

Claims 2, 16, and 29 depend from claims 1, 14, and 28 and further require that the associated printer information indicates the name of the screening algorithm used in generating the calibration file. The Examiner cited col. 4, lines 24-48 of Lee as teaching the requirements of these claims. (Office Action, pg. 7, 9, 10) Applicants traverse for the following reasons.

The cited col. 4 of Lee discuss how the actual grey level produced by the printer may vary from the requested grey level. Lee discusses how the user may print image and text and adjust print factors such as density until the proper result is achieved. The use may also transfer the image to a second printer. Lee discusses how to account for printer-to -printer variations in output in dot gain and other factors.

Nowhere does the cited col. 4 of Lee anywhere teach or suggest associating information with a calibration file information indicating the printer and at least one output appearance attribute, where the printer information indicates the name of a screening algorithm used to generate the calibration file. The cited Lee discusses how to adjust printer density to improve the image quality. Nowhere does the cited Lee teach or suggest how to associate printer information indicating the name of the screening algorithm used to generate the calibration file as claimed.

Accordingly, claims 2, 16, and 29 provide additional grounds of patentability over the cited art because the cited art does not teach or suggest the additional requirements of these claims.

Claims 6, 20, and 33 depend from claims 1, 14, and 28 and further require generating the print job comprising a gray scale image and associating output appearance and printer attribute information with the print job for use in selecting one calibration file to use to calibrate the gray scale image when printing the print job.

The Examiner cited col. 5, lines 1-32 of Lee as teaching the claim requirement of associating output appearance and printer attribute information with the print job for use in selecting one calibration file to use to calibrate the gray scale image when printing the print job. (Office Action, pgs. 8, 9, 11) Applicants traverse for the following reasons.

The cited col. 5 of Lee discusses printing patches of grey levels with a first printer, where a halftone screen with a known or given turn on sequence is utilized. The printed gray level of each patch is measured. The measured values for one printer are plotted. Thus, the cited col. 5 of Lee discusses measuring density of printed patches.

Nowhere does the cited Lee anywhere teach or suggest associating output appearance and printer attribute information with the print job for use in selecting one calibration file to use to calibrate the gray scale image when printing the print job. Instead, the cited Lee discusses measuring the density of printed patches, not the claim requirement of associating appearance and attribute information with a print job to use to select one calibration file to calibrate the gray scale image when printing the print job.

Accordingly, claims 6, 20, and 33 provide additional grounds of patentability over the cited art because the cited art does not teach or suggest the additional requirements of these claims.

Claims 7, 21, and 34 depend from claims 1, 14, and 28, respectively, and further require that selecting one calibration file comprises selecting one calibration file having associated output appearance and printer information indicating compatibility with the printer and output appearance information associated with the print job. The Examiner cited col. 9, lines 26-46 of Falk as teaching the additional requirements of these claims (Office Action, pgs. 8, 10, 12) Applicants traverse for the following reasons.

The cited col. 9 of Falk discusses how to combine the printer profile with color characterization profiles to generate calibration profiles from mapping CMYK data to calibrated C'M'Y'K' data. The calibration profiles are used during a print operation to format the CMYK image received from an input source prior to printing. The cited Falk further discusses using a scanner as a densitometer to measure the printer effects of each color plane to integrate with the color characterization profile. The calibration profile set is used to calibrate the input image prior to printing so that the printed image has a desired color characteristic despite the measured effects associated withy a printer.

Thus, the cited Falk discusses how to calibrate an image. However, nowhere does the cited Falk anywhere teach or suggest selecting one calibration file to use for a print job having associated output appearance and printer information indicating compatibility with the printer and output appearance information associated with the print job. Nowhere does the cited Falk anywhere teach or suggest matching a calibration file output appearance and printer information with that associated with a print job to select the appropriate calibration file. Instead, the cited Falk discusses how an input image is calibrated with a calibration profile set.

Accordingly, claims 7, 21, and 34 provide additional grounds of patentability over the cited art because the cited art does not teach or suggest the additional requirements of these claims.

Claim 15 is Patentable Over the Cited Art

The Examiner rejected claim 15 as obvious over Falk, Wang and Gregory (U.S. Patent No. 5,818,960). Applicants traverse because claim 15 depends from claim 1, which is patentable over the cited art for the reasons discussed above.

Conclusion

For all the above reasons, Applicant submits that the pending claims 1-40 are patentable over the art of record. Applicants submit herewith a claim fee for claim amendments. Nonetheless, should any additional fees be required, please charge Deposit Account No. 50-0563.

The attorney of record invites the Examiner to contact him at (310) 553-7977 if the Examiner believes such contact would advance the prosecution of the case.

Dated: August 19, 2003

By:____________________
David W. Victor
Registration No. 39,867

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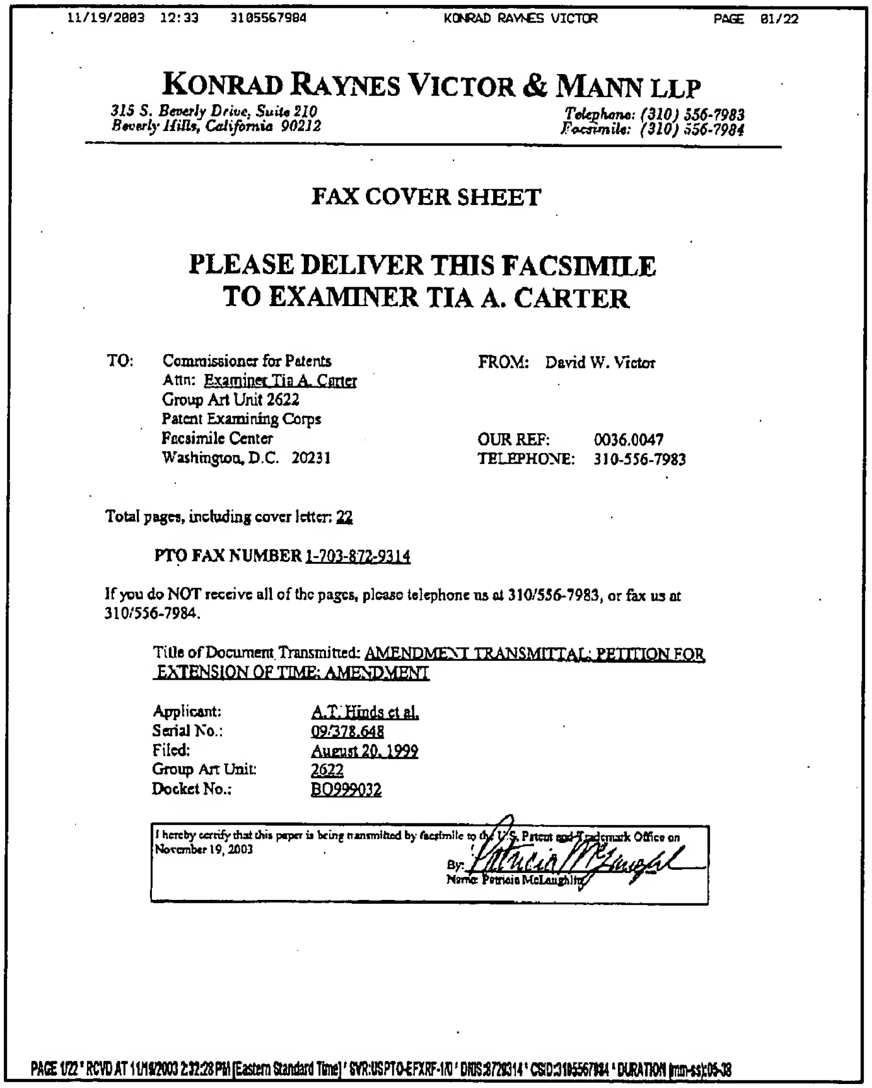

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By:
Name: Patricia McLaughlin

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Arianne T. Hinds, et al.) Examiner: Tia A. Carter
Serial No.: 09/378,648)
Filed: August 20, 1999)
For: METHOD, SYSTEM, AND PROGRAM FOR MANAGING CALIBRATION FILES IN A PRINTING SYSTEM) Art Unit: 2622

PETITION FOR EXTENSION OF TIME

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with Rule 136, Applicant for the above-identified application respectfully petitions the Commissioner for an extension of time extending the period of response as follows:

EXTENSION FROM: August 19, 2003 TO: November 19, 2003

	SMALL ENTITY FEE	LARGE ENTITY FEE
One (1) Month Extension:	☐ $ 55	☐ $110
Two (2) Month Extension:	☐ $210	☐ $420
Three (3) Month Extension:	☐ $475	■ $950
Four (4) Month Extension:	☐ $740	☐ $1480
Five (5) Month Extension:	☐ $1005	☐ $2010

☐ Enclosed is a check in the amount of $ ______ to cover the extension of time. Attached is the responsive paper. If it should be determined that a longer extension of time is required to prevent this application from becoming abandoned, or for any other reason an insufficient fee has been paid, please charge any insufficiency to Deposit Account No. 50-0563. A duplicate copy of this petition is enclosed.

■ The Commissioner is hereby authorized to charge payment of the fee associated with this communication in the amount of $ 950 and credit any overpayment or charge any deficiency to Deposit Account No. 50-0563. A duplicate of this sheet is enclosed.

Respectfully submitted,

David W. Victor
Registration No. 39,867
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(310) 556-7983

Dated: November 19, 2003

CERTIFICATE UNDER 37 CFR 1.8:
I hereby certify that this correspondence is being transmitted by facsimile to Examiner Tia A. Carter at the U.S. Patent and Trademark Office at (703) 872-9314 on November 19, 2003.

David W. Victor

11/19/03
Date